



NSW Department of Planning & Environment
23-33 Bridge Street
Sydney, NSW 2001

Attention: Kate MacDonald

**Section 96(1A) Modification Application to State Significant Development 7078
Horsley Drive Business Park – Two Staged Proposed Warehouse / Distribution and Industrial Facility
Corner of The Horsley Drive and Cowpasture Road, Wetherill Park**

Dear Kate,

This application has been prepared to modify State Significant Development 7078 for a two staged Warehouse / Distribution and Industrial Facility within Horsley Drive Business Park pursuant to Section 96(1A) of the *Environmental Planning & Assessment Act 1979*.

Development History

On 14 December 2015 the Minister for Planning granted approval for a two staged Warehouse / Distribution Centre and Industrial Facility within Horsley Drive Business Park (SSD 7078). Specifically consent was granted for the construction and operation of a Warehouse and Distribution Facility with Ancillary office, comprising the following:

- A 15,427m² warehouse;
- Hardstand areas, car parking and loading docks;
- A two storey office;
- Ancillary infrastructure and services; and
- Landscaping.

More detailed project particulars are provided in **Table 1**.

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Table 1: Proposal Particulars

Element	Description
Warehouse	Warehouse 15,427sqm including: <ul style="list-style-type: none">- Dry store (6,315sqm)- Ambient staging (593sqm)- Tomato room (53sqm)- Recycling (93sqm)- Chiller (604sqm)- Freezer (3,140sqm)- Receiving staging (1,158sqm)- Dispatch staging (2,457sqm)- Receiving office (116sqm)- Vestibule (308sqm)- Battery charge room (340sqm)- Plant rooms 1 and 2(232sqm)
Two Storey Office	3,132sqm
Total Building Area	18,559sqm
Car Parking	250 spaces
Building Height	13.7 metres
Diesel Storage Tank	Provision of a 60,000L Diesel Storage Tank (above ground)
Site Coverage	32.4%

This Section 96(1A) Modification Application represents the first modification to SSD 7078.

Previous to the approval of State Significant Development 7078 for the construction and operation of a Warehouse / Distribution Centre and Industrial Facility, a number of earlier Applications relate to Horsley Drive Business Park.

On 8 January 2013, the Minister for Planning and Infrastructure granted approval for Horsley Drive Business Park subdivision and Infrastructure works (SSD 5169), comprising:

- 12 Lot subdivision and access road under leasehold arrangement;
- Demolition of two existing dwellings, ancillary structure and existing trees across the site;
- Remediation of part of the site which was associated with former fuel storage;
- Bulk and detailed earthworks to create building pads;
- Estate infrastructure including central access road, connection with essential utilities and provision of OSD basins and associated stormwater infrastructure; and
- Estate landscaping treatments, comprising predominately native vegetation.

Modification 1 to SSD 5169 was lodged in 2014 to modify the approved Estate layout, however it was subsequently withdrawn.

Modification 2 to SSD 5169 was approved on 6 August 2015 for the following:

- Reduce the number of allotments from 12 to 6;
- Provision of a new round-about on Cowpasture Road;
- Amend retaining wall heights comprising a tiered design;
- Re-shape detention basin to improve stormwater management outcomes; and
- Registration of subdivision and titles over 4 stages.

Modification 3 to SSD 5169 was approved on 16 September 2015 for the consolidation of lots 5 and 6 to provide a site suitable for the development of the Warehouse and Distribution Facility approved under SSD 7078.

The Estate layout as modified under MOD 3 is illustrated below in **Figure 1**.

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Figure 1: Estate Masterplan

Proposed Modifications and Justification

The subject application seeks to modify the approved site layout through the relocation of the Truck Wash, Waste Storage Area and Rainwater Tank adjacent to the southern site boundary. These proposed modifications respond to the functionality requirements of Martin Brower and will contribute to more efficient site operations.

The proposed drawings to be substituted are shown in the plans schedule below.

Statutory Requirements

As the modifications sought results in the development being substantially the same as which consent was originally granted for, the provisions of Section 96(1A) of the Act apply. The following tests require consideration in this instance:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact The proposed development (as amended) shall result in minimal environmental impact on surrounding properties. On balance, the proposal is considered to satisfy this test for the following reasons:*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)*

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The development as amended is deemed to be substantially the same as that for which consent was granted under SSD 7078. No additional works are proposed, with only a change to the location of the Truck Wash, Waste Storage Area and Rainwater Tank. The main warehouse and ancillary office are unchanged from the original proposal for which consent was granted. The overall site layout is also unchanged including vehicle parking, vehicle manoeuvring areas, site access and the internal access routes and landscaping. Overall the proposed modifications will preserve the approved building height, building bulk, building footprint, general appearance of the site and use of the site. Therefore the proposed modifications result in a development that is of minimal environmental impact being substantially similar to the approved for the site under SSD 7078.

(c) it has notified the application in accordance with:

- (i) the regulations, if the regulations so require, or*
- (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent*

As approval is sought under Section 96(1A) of the *Environmental Planning & Assessment Act 1979*, notification to surrounding land owners is not required.

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. Subsections (1), (2) and (5) do not apply to such a modification

No submissions have been made in relation to the proposal.

Overall, the proposal does not result in any change of use or intensified use of the site and preserves the form and general appearance of all buildings and structures on the site.

Environmental Risk Assessment

The following relevant Environmental Assessment Requirements have been considered in respect of the proposal:

Strategic and Statutory Context

The proposal is subject to the provisions of *State Environmental Planning Policy (Western Sydney Parklands) 2009* (SEPP WSP). The relocation of the Truck Wash, Waste Storage Area and Rainwater Tank does not result in any inconsistencies with the objectives and provisions of the SEPP.

The relocation of the Truck Wash, Waste Storage Area and Rainwater Tank will have no impact on any existing planning agreements, guidelines or strategic policies.

Contributions

No change to the Section 94 contributions payable will result from the proposed modifications.

Traffic and Transport

All vehicular areas of the site including access routes, parking, manoeuvring areas and loading docks will be unaffected by the proposed modifications. The relocated Truck Wash, Waste Storage Area and Rainwater Tank have been designed and situated so as not to obstruct any vehicular movements or sight lines. The proposed locations of the Truck Wash and Waste Storage Area have considered vehicular access to ensure the efficient use of these facilities and servicing of the site.

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Urban Design and Visual

The overall layout and urban design of the site is consistent with that approved under SSD 7078 as the location and design of all buildings, vehicle areas and landscaping are unchanged. The proposed relocation of the Truck Wash, Waste Storage Area and Rainwater Tank will support a more functional and efficient use of the site whilst preserving the general appearance and character of the site.

Noise and Vibration

The proposed modifications will not impact on noise or vibration.

Soils and Water

The stormwater management, water quality and erosion and sediment control arrangements for the site will not be affected by the proposed modifications.

Infrastructure Requirements

All infrastructure, utilities and services as approved under SSD 5169 and SSD 7078 will be maintained. The proposed modifications will not alter the infrastructure or service requirements of the site.

Air Quality and Odour

The proposed modifications will not impact on air quality or odour.

Waste

The proposed modifications will not impact on the waste generation or management of the approved development. The relocation of the Waste Storage Area will preserve its approved capacity and form. The proposed location of the Waste Storage Area will ensure suitable access for waste collection vehicles to support the efficient servicing of the site.

Socio-Economic

The proposed modifications will preserve the approved use of the site as a Warehouse and Distributions Facility within an approved industrial estate. Thereby the modifications will not cause any socio-economic impact.

Conditions of Consent

This Section 96(1A) Modification Application seeks to modify the approved drawings listed in *Appendix 1 Schedule of Approved Drawings* of the Notice of Determination for SSD 7078.

Amendments to Appendix 1 are shown in **red**.

Appendix 1 Schedule of Approved Drawings

Architectural Drawings Prepared by Australand			
Drawing No.	Issue	Date	Description
MB-WSPT-DA-000	C	-	Title Sheet
MB-WSPT-DA-001	A	June 2015	Location Plan
MB-WSPT-DA-002	C	December 2015	Site Analysis
MB-WSPT-DA-003	C	December 2015	Site Plan
MB-WSPT-DA-004	C	December 2015	Staging Diagram
MB-WSPT-DA-005	C	December 2015	Truck Turning Diagrams
MB-WSPT-DA-100	C	December 2015	Warehouse Plan
MB-WSPT-DA-110	B	August 2015	Office Ground Floor Plan
MB-WSPT-DA-111	B	August 2015	Office First Floor Plan

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MB-WSPT-DA-112	B	August 2015	Receiving Office Floor Plan
MB-WSPT-DA-200	C	December 2015	Elevations
MB-WSPT-DA-210	B	August 2015	Sections
MB-WSPT-DA-500	C	December 2015	Coloured Elevations
MB-WSPT-DA-602	A	August 2015	View 01
MB-WSPT-DA-603	A	July 2015	View 02
MB-WSPT-DA-604	A	July 2015	View 03
MB-WSPT-SK-0052	A	October 2015	Truck Turning Diagram 30m B-Double

Landscape Drawings Prepared by habit8

<i>Drawing No.</i>	<i>Issue</i>	<i>Date</i>	<i>Description</i>
L01	B	July 2015	Landscape Plan
L02	B	July 2015	Planting Schedule

Civil Engineering Drawings Prepared by Costin Roe Consulting

<i>Drawing No.</i>	<i>Issue</i>	<i>Date</i>	<i>Description</i>
C011492.09-DA10	C	July 2015	Drawing List and General Notes
C011492.09-DA20	C	July 2015	Erosion and Sediment Control Plan
C011492.09-DA25	C	July 2015	Erosion and Sediment Control Details
C011492.09-DA40	C	July 2015	Concept Stormwater Drainage Plan
C011492.09-DA45	C	July 2015	Concept Stormwater Drainage Details – Sheet1
C011492.09-DA46	C	July 2015	Concept Stormwater Drainage Details – Sheet2
C011492.09-DA50	C	July 2015	Finished Levels Plan

Conclusion

This Section 96(1A) Modification Application to SSD 7078 seeks consent for minor modifications to relocate the Truck Wash, Waste Storage Area and Rainwater Tank adjacent to the southern site boundary. The proposed modifications are of a minor environmental impact in that the development is substantially the same as previously approved under SSD 7078. Further, the proposed modifications will have no adverse impact on the public interest.

As detailed throughout this statement, the proposed modifications respond to the operational requirements of Martin Brower and intend to enhance the functionality of the site through the provision of a more efficient site layout.

Based on the above it is requested that the Department of Planning and Environment support the Modification Application.

Should you require further information, please contact the undersigned.

Yours Faithfully,



Andrew Cowan
Associate Director
Willowtree Planning Pty Ltd
ACN 146 035 707

Enclosed:

- Revised Architectural Plans